

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
2000 Biennial Regulatory Review	)	IB Docket No. 00-202
	)	
Policy and Rules Concerning the	)	
International, Interexchange Marketplace	)	

**COMMENTS OF THE TELECOMMUNICATIONS  
MANAGEMENT INFORMATION SYSTEMS COALITION**

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Pursuant to the Commission's notice of proposed rulemaking released on October 18, 2000, in the above-referenced proceeding,<sup>1</sup> the Telecommunications Management Information Systems Coalition (the "Coalition")<sup>2</sup> comments on the Commission's proposal to extend the complete detariffing regime adopted for domestic, interexchange services to the international services of non-dominant interexchange carriers.

**I. SUMMARY**

If the Commission detariffs international services, it should require non-dominant interexchange providers of international services to disclose to the public information about their rates, terms and conditions and post information about their service offerings. The information can be published on the same Internet sites that have been adopted to inform the public about detariffed domestic services. The extension of the

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<sup>1</sup> 2000 Biennial Regulatory Review, IB Docket No. 00-202, Notice of Proposed Rulemaking, FCC 00-367 (Oct. 18, 2000) ("NPRM").

<sup>2</sup> The Coalition is composed of two telecommunications management information systems companies and was formed for the purpose of participating in this proceeding. The two companies are Salestar and Center for Communications Management Information ("CCMI"). The third member of the Coalition, Tele-Tech Services, is not participating in this submission.

existing public disclosure requirement to international services would ensure carrier compliance with the Telecommunications Act of 1996 and would enable consumers to compare service offerings, make informed decisions about the providers and rate plans that may meet their needs, and if necessary register complaints.

In addition, the Commission should order carriers to comply with the public disclosure obligations at the time that they detariff international services and to disclose service information in sufficient detail and in a sufficiently timely manner to permit informed consumer choice, as the Common Carrier Bureau ordered with respect to domestic detariffing. Otherwise an “information gap” will result, undercutting the important consumer disclosure objectives of the public disclosure rules. The Commission also should provide carriers with specific guidance as to acceptable timeframes for filing and updating information for international services to further ensure timely disclosure.

## **II. INTRODUCTION**

In a series of orders,<sup>3</sup> the Commission adopted mandatory detariffing for domestic, interstate, interexchange services. The Commission also required that these long distance carriers continue to make available to the public information on the rates, terms and conditions for their services. Specifically, in its Second Order on Reconsideration, the Commission adopted a rule requiring that nondominant interexchange carriers:

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<sup>3</sup> FCC Public Notice, *Policy and Rules Concerning the Interstate, Interexchange Marketplace*, Second Report and Order, 11 FCC Rcd 20730 (1996); Order on Reconsideration, 12 FCC Rcd 15014 (1997); Second Order on Reconsideration and Erratum, 14 FCC Rcd 6004 (1999) (“Second Order on Reconsideration”).

... make available to any member of the public, in at least one location, during regular business hours, information concerning its current rates, terms and conditions for all of its [detariffed] interstate, domestic, interexchange services. Such information shall be made available in an easy to understand format and in a timely manner....

47 C.F.R. §42.10(a). In addition, the Commission adopted a rule requiring that:

a nondominant IXC that maintains an Internet website shall make such rate and service information specified [above] available on-line at its Internet website in a timely and easily accessible manner, and shall update this information regularly.

47 C.F.R. §42.10(b).

Today, the Common Carrier Bureau released an Order that confirmed deadlines—January 31, 2001 for contract services and April 30, 2001 for mass-market consumer services—by which carriers must cancel their domestic tariff offerings subject to mandatory detariffing.<sup>4</sup> In addition, the Transition Order requires that domestic interexchange carriers: (a) fully comply with the public disclosure and Internet web-posting requirements at the time any service is detariffed, with respect to that service; (b) update their Internet websites and public disclosure sites no later than twenty-four (24) hours after the effective date of a change in the rates, terms or conditions of a detariffed service; and (c) disclose enough information to allow consumers to compare the service offerings.<sup>5</sup>

As described in more detail below, the Commission must extend public disclosure requirements to any detariffing regime developed for the international services of non-

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<sup>4</sup> *Policy and Rules Concerning the Interstate, Interexchange Marketplace*, CC Docket No. 96-61, Order, DA 00-2586, at ¶ 1 (Com. Car. Bur. Nov. 17, 2000) (“Transition Order”).

<sup>5</sup> *Id.*

dominant interexchange carriers. In addition, the Coalition urges the Commission to extend its rules regarding the domestic transition plan to any detariffed international services.

### **III. ARGUMENT**

#### **A. The Commission Should Extend the Public Disclosure Requirements For Detariffed Domestic, Interexchange Services to Any Detariffed International Services of Non-dominant Interexchange Carriers**

Requiring public disclosure concerning current rates, terms and conditions for any of the international interexchange services that may be detariffed will benefit consumers. The rationale employed by the FCC to impose public disclosure requirements on domestic interexchange providers is equally valid for any detariffed international services.

As the Commission recognized in the NPRM, the public disclosure requirement would ensure carrier compliance with the requirements of the Telecommunications Act of 1996 and would permit consumers to determine the “most appropriate rate plans that may meet their individual” needs.<sup>6</sup> The public disclosure requirement will promote the public interest by allowing consumers to readily compare service offerings and to be adequately informed in the event they need to bring complaints. Furthermore, the public availability of rate information is crucial for customers who are trying to make informed decisions about their services providers in the increasingly competitive and complex marketplace. In order for residential and business customers to make appropriate choices among the myriad of providers, they must be afforded access to detailed and accurate

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<sup>6</sup> NPRM ¶ 22.

pricing information. Without a public disclosure requirement, consumers will have difficulty obtaining complete information concerning all of the international interexchange offerings that are available to them.

**B. The Commission Should Require Carriers To Comply With The  
Public Disclosure Requirements No Later Than When They Detariff**

In the context of domestic services, the Common Carrier Bureau has adopted deadlines by which carriers must cancel their tariffs for services subject to the detariffing orders.<sup>7</sup> Accordingly, carriers may cancel their tariffs at any time during this period. The public disclosure rules adopted by the Commission in the domestic services context clearly state that the disclosure obligations apply to “all of [a carrier’s *detariffed*] interstate, domestic, interexchange services.”<sup>8</sup>

Regarding international services, the Commission should clarify that carriers must comply with the public disclosure rules as to any particular service no later than the time that they detariff that service. Otherwise, carriers could detariff certain services early in the transition period but wait to implement a public disclosure mechanism until the end of the transition period. As the Transition Order notes:

This timing is important so customers will have continuous access to information during the transition to a detariffed environment. We find, therefore, that carriers should not cancel tariffs. . . until they are able to post rate, term, and other service information regarding the services included in the cancelled tariffs at a public information location, and, for those that maintain websites, on the Internet.<sup>9</sup>

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<sup>7</sup> See note 4.

<sup>8</sup> 47 C.F.R. § 42.10(a).

<sup>9</sup> Transition Order ¶ 15.

Otherwise, the resulting “information gap” will undercut the important consumer disclosure objectives outlined by the Commission in the domestic services proceeding in the Second Order on Reconsideration:

There is abundant evidence that making information available to consumers is beneficial to competitive markets. . . . [We have taken many actions] to address concerns that consumers were not receiving sufficient information to protect themselves against fraud and misinformation, and to select telecommunications services and providers that best suit their individual needs. . . . [C]onsumers have more choices and, in turn, need more information in order to choose the long distance service plan that best suits their needs. . . . [W]e strike the balance once again in favor of consumer concerns. . . .<sup>10</sup>

Any carriers that have not established an adequate website at the time they detariff international services should be required to make the required information available at a minimum of one business location at the same time they detariff. Carriers can add the information to their websites once they are established. If the Commission prohibits carriers from amending or filing new tariffs during a transition period for contract tariff offerings, as it did for domestic interexchange services,<sup>11</sup> the Commission should explicitly state that carriers must comply with the information disclosure obligations for any new or revised contract tariff offering at the time that such offering is established or revised. These instructions are essential to ensure that the Commission’s important public disclosure goals are met.

**C. Public Disclosure Information Must Be Available In A Timely Manner And In Sufficient Detail To Allow Informed Consumer Decision-Making**

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<sup>10</sup> Second Order on Reconsideration at 6013-15.

<sup>11</sup> FCC Public Notice, *Domestic Interexchange Carrier Detariffing Order Takes Effect*, DA 00-1028, at 2 (Com. Car. Bur. May 9, 2000).



The Commission's public disclosure rules with respect to domestic services require that the applicable information be available "in a timely manner" and that carriers must "update this information regularly."<sup>12</sup> Specifically, the Commission should provide carriers with specific guidance as to acceptable timeframes for filing and updating information for international services in order to achieve the consumer benefits that were intended by the adoption of the disclosure requirements for domestic detariffing. The Transition Order for domestic detariffing requires that: (a) during the transition period, carriers canceling their tariffs post the rates, terms and conditions of the cancelled tariff on their website within twenty-four (24) hours after the cancellation takes effect; (b) during and after the transition period, carriers post new or revised services offerings on their Internet websites within 24 hours after these offerings take effect; and (c) carriers update other public information sites within 5 days after a tariff cancellation or a new or revised service offering becomes effective.<sup>13</sup> The Commission should extend these requirements to any detariffed international services. Without such guidance carriers will be left to their own, likely broadly varying interpretations. This could result in some carriers updating their information so infrequently that consumers attempting to comparison price their telecommunications service needs would have no guarantee that they were viewing information on all -- or even most -- of the rate plans that actually were available from a specified carrier. Further, in many or most cases, consumers

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<sup>12</sup> 47 C.F.R. § 42.10(a), (b).

<sup>13</sup> Transition Order ¶ 17. The Coalition notes that these requirements are significantly less burdensome than the prior tariffing regime, which required tariffs to be filed at least one day *prior* to the effectiveness of any new or revised rates.

would have no way of knowing what information is missing, and thus no way of detecting or bringing violations of this “timeliness” requirement to the Commission’s attention.

Similarly, the Commission’s public disclosure rules require the disclosure of all current “rates, terms and conditions” for detariffed services with respect to domestic services. Although the Commission did not adopt a specific list of the terms and conditions that must be included in the public disclosure, the Commission should take the opportunity in this proceeding to emphasize that carriers must disclose the rates, terms and conditions in sufficient detail to permit consumers to make informed choices regarding their international telecommunications services. As the Transition Order stated with respect to domestic detariffing, “carriers should disclose enough information to allow consumers to make comparisons among the various services offered by the carrier and the services offered by other carriers.”<sup>14</sup> As the Commission has recognized, full and accurate information is necessary for truly informed consumer choice.<sup>15</sup>

In the absence of Commission direction, carriers’ interpretations likely will vary from the letter and spirit of the Commission’s rules. For example, one carrier that has detariffed domestic interstate contract services has attempted to implement public disclosure by providing only a very broad range of rates in a service guide available at its headquarters. This carrier’s previous tariff set forth specific rates for calling card usage

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<sup>14</sup> Transition Order ¶ 21. The Bureau stated, however, that carriers “are not required to include more information than is currently included in their tariffs.” *Id.*

<sup>15</sup> See, e.g., *Truth-in-Billing and Billing Format*, First Report and Order and Further Notice of Proposed Rulemaking, 14 FCC Rcd 7492 (1999).

based upon monthly volume. Its current public disclosure, however, merely states that the surcharge for this option varies based upon the monthly volume of usage. The extremely wide range of rates -- which suggests the apparent highest price could be as much as five times higher than the lowest possible price -- without the carrier's corresponding volume requirements offers essentially no information by which a consumer can assess its service in comparison to the service of another carrier. To avoid the varying and perhaps incorrect interpretations that carriers may make regarding the Commission's public disclosure rules,<sup>16</sup> the Commission, if it chooses to detariff international services, should ensure that carriers disclose all relevant terms regarding rates, terms and conditions so that consumers may make informed choices.

#### **IV. CONCLUSION**

For the reasons stated above, if the Commission extends the detariffing regime developed for domestic, interexchange services to the international services of non-dominant interexchange carriers, it must also extend public disclosure requirements to those services. In addition, the Commission should order carriers to comply with the public disclosure obligations at the time that they detariff international services and to

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<sup>16</sup> At least one carrier that has detariffed some of its domestic interexchange services has provided public disclosure information on its webpage but has purported to copyright the contents of the webpage. The Commission should not condone such attempts to prevent the public from exercising their right to use publicly available information.

**Comments of the Telecommunications  
Management Information Systems Coalition  
November 17, 2000**

disclose service information in sufficient detail and in a sufficiently timely manner to permit informed consumer choice.

Respectfully submitted,

TELECOMMUNICATIONS MANAGEMENT  
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